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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/848,846	05/03/2001	Luan C. Tran	MI22-1689	1789

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EXAMINER	
SCHILLINGER, LAURA M	
ART UNIT	**PAPER NUMBER**
2813	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/848,846	TRAN, LUAN C.	
	Examiner	Art Unit	
	Laura M Schillinger	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11,12 and 14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11,12 and 14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowability of claims 11-12 and 14 is withdrawn in view of the newly discovered reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 11-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowrey et al ('504).

In reference to claim 11, Lowrey teaches a semiconductor processing method comprising:

a masking step providing a common mask; and

an implant step carried out through the common mask, comprising conducting a halo implant of devices formed over a substrate comprising memory circuitry and peripheral circuitry sufficient to impart to at least two of the devices two different respective threshold voltages, wherein the common masking step comprises masking only portions of some of the devices which receive the halo implant, said portions comprising portions of peripheral circuitry devices (Fig.6 and Col.6, lines: 60-65; see also Col.2, lines: 1-20).

In reference to claim 12, Lowrey teaches a semiconductor processing method comprising:

a masking step providing a common mask (Col.2, lines: 1-20); and

an implant step carried out through the common mask, comprising conducting a halo implant of devices formed over a substrate comprising memory circuitry and peripheral circuitry sufficient to impart to at least two of the devices two different respective threshold voltages, wherein the common masking step comprises masking only portions of some of the devices which receive the halo implant , said devices which receive the halo implant comprise NMOS field effect transistors; and said portions comprise portions of peripheral circuitry devices (Col.2, lines: 1-20 and Col.6, lines: 60-65 and Fig.6).

In reference to claim 14, Lowrey teaches a semiconductor processing method comprising:

a masking step providing a common mask; and an implant step carried out through the common mask, comprising conducting a halo implant of devices formed over a substrate comprising memory circuitry and peripheral circuitry sufficient to impart to at least two of the devices two different respective threshold voltages, wherein the common masking step comprises masking only portions of some of the devices which receive the halo implant', said devices which receive the halo implant comprise PMOS field effect transistors', and said portions comprise portions of peripheral circuitry devices (Col.2, lines: 1-20 and Fig.6 and Col.6, lines: 60-65).

However with respect claims 11-12 and 14, Lowrey fails to teach three different transistors having three different threshold voltages. However, the courts have held that mere duplication of parts has no patentable significance unless a new or unexpected result is produced see In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Therefore Applicant's claim language is considered to be an obvious variation of Lowrey's teachings.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M Schillinger whose telephone number is (571) 272-1697. The examiner can normally be reached on M-T, R-F 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl W Whitehead, Jr. can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMS

10/31/04